

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT application of:

Applicant: Jeffrey Bruce McGeorge
Serial No: 10/561,494
Filing Date: December 19, 2005
Title: A MONITORING SYSTEM
Examiner: Michael M. Thompson
Art Unit: 3629
Docket No. CULLP0193US

**REQUEST FOR WITHDRAWAL OF FINALITY OF OFFICE
ACTION DATED JANUARY 23, 2009**

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Request is made for withdrawal of finality of the Office Action dated January 23, 2009 to allow applicant to obtain entry of amendments as a matter of right.

In the last Office Action, the Examiner introduced for the first time a rejection of claims 1-8 and 10 under 35 U.S.C. 101 as a new ground of rejection. According to the Examiner, applicant's last response necessitated this new ground of rejection. This is not correct.

Claim 1 prior to amendment read as follows:

1. A method of monitoring changes in an information set of wagers placed on the outcome of a sporting contest, the method comprising the steps of:
 - a. a principal entering into an agreement with a service provider to provide real time activity monitoring service,
 - b. the service provider monitoring a predetermined information set using at least one computer, and
 - c. the service provider providing a real-time alert message to the principal via a remote communications device (RCD) when a change occurs.

In the applicant's last reply, claim 1 was amended as follows:

1. (currently amended) A method of monitoring changes in an information set of wagers placed on the outcome of a sporting contest, the method comprising the steps of:
 - a. ~~a principal entering into an agreement with a service provider to provide real time activity monitoring service of changes in an information set of wagers placed on the outcome of a sporting contest; [,]~~
 - b. ~~the service provider monitoring a predetermined information set using at least one computer, and receiving real-time wagering data relating to the outcome of a sporting contest on a network of computers;~~
 - c. receiving instructions from a user specifying analysis criteria including at least a target sporting contest, and nominated change in a wagering parameter within a nominated time period prior to the commencement of the target sporting contest which signifies the occurrence of a change in the wagering data significant to the user;
 - d. applying the user-specified analysis criteria to the real-time wagering data in real-time; and
 - e. the service provider providing causing a real-time alert message to be provided to the principal user via a remote communications device (RCD) when a change occurs upon the occurrence of the change in the nominated wagering parameter within the nominated time period prior to the commencement of the target sporting contest as real-time changes in the wagering data occur, the real-time notification directed to a remote communications device of the user.

As understood, the Examiner's basis for the rejection would have applied more so to claim 1 prior to amendment than after amendment.

Prior to amendment claim 1 recited "a principal entering into an agreement with a service provider to provide real time activity monitoring service" and after amendment claim 1 recited "entering into an agreement with a service provider to provide real time activity monitoring service of changes in an information set of wagers placed on the outcome of a sporting contest".

Prior to amendment claim 1 read "the service provider monitoring a predetermined information set using at least one computer" and after amendment claim 1 recited "receiving real-time wagering data relating to the outcome of a sporting contest on a network of computers; receiving instructions from a user specifying analysis criteria including at least a target sporting contest, and nominated change in a wagering parameter within a nominated time period prior to the commencement of the target

sporting contest which signifies the occurrence of a change in the wagering data significant to the user; and applying the user-specified analysis criteria to the real-time wagering data in real-time".

Prior to amendment claim 1 read "the service provider providing a real-time alert message to the principal via a remote communications device (RCD) when a change occurs" and after amendment claim 1 read "causing a real-time alert message to be provided to the user via a remote communications device (RCD) upon the occurrence of the change in the nominated wagering parameter within the nominated time period prior to the commencement of the target sporting contest as real-time changes in the wagering data occur, the real-time notification directed to a remote communications device of the user".

Clearly, the new ground of rejection based on 35 U.S.C. 101 did not arise from the amendments made to claim 1.

For at least the foregoing reasons the finality of the last Office Action should be withdrawn. An early indication of this is respectfully requested as it impacts on what further amendments may be presented to advance this application to grant. Applicant is entitled to an opportunity to address the new ground of rejection in the interest of fairness, and to amend the claims as deemed necessary to overcome the rejection.

Upon withdrawal of the finality of the last Office Action, resetting of the response period is respectfully requested.

Respectfully submitted,

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